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Mr. Steve Greenhut

I am the Assistant District Attorney in charge of investigating and prosecuting political corruption cases for the Orange County District Attorney (OCDA). On behalf of District Attorney Tony Rackauckas and his dedicated prosecutors, I take exception to Mr. Greenhut's disparaging remark in the Sunday, September 12, 2004 edition that the DA "rarely looks into political corruption."

Mr. Greenhut gratuitously criticized the OCDA without contacting us for facts. Ironically, the one case specifically referenced of then-Huntington Beach Mayor David Garofalo was investigated and successfully prosecuted by the OCDA. The piece failed to mention that the OCDA convicted Garofalo of one felony and 15 misdemeanor conflict of interest counts. Garofalo was forced to resign from office, pay \$49,700 in fines, complete 200 hours of community service, and be banned for life from public office.

Nor was the case of Seal Beach Councilman Shawn Boyd mentioned. Boyd was convicted by the OCDA of failing to disclose business ties to developers who sold real estate to the city. Boyd pled guilty to a felony conflict of interest and misdemeanor tax evasion charges. He paid more than \$26,000 in fines, penalties and taxes and banned for life from holding public office.

These are just two of the more prominent examples. Since January 2003, our Special Assignments unit has investigated 21 election/political/judicial corruption complaints, as well as 11 police conduct complaints. In addition, the Felony Projects Unit has reviewed numerous citizen complaints and reports from other law enforcement agencies involving alleged political corruption. The OCDA investigates political corruption cases routinely and does not hesitate to prosecute when there is sufficient evidence and prosecution is the most appropriate way to proceed.

Sometimes, these cases are more appropriately handled by other agencies such as the Fair Political Practices Commission, the California Attorney General, the United States Attorney, other district attorney's offices, and the Labor Board. In every case, we carefully consider the allegations, do additional investigation when appropriate, and aggressively prosecute if warranted. The decision as to who should prosecute a given case is usually a mutual one based on the nature of the crime (federal or state) and the potential sentence under the two systems (who can get the greater sentence).

For example, Mr. Greenhut mentions allegations of political corruption in Huntington Beach government, referring to issues related to condominium conversions. The OCDA was the first to investigate these allegations. After meeting with federal authorities, we decided that the federal agency would have more of a strategic advantage investigating and prosecuting the case. Pursuant to a

mutual agreement, we then turned over the results of our investigation to federal authorities.

Finally, in your article, you refer to the handling of the Garden Grove gaming matter. This is essentially a Brown Act complaint. Since the matter is still pending, I cannot comment on it. We receive a number of Brown Act complaints each year and carefully review each one. Sometimes, it is apparent that the alleged impropriety is not a Brown Act violation even if true. Sometimes, our review leads us to believe that a violation may have occurred and that further investigation is necessary. After that investigation, we may conclude that a violation occurred.

If so, we will proceed accordingly. In such cases, we contact the board/agency and require that they undo whatever action may have been taken in violation of the Act. This may require voiding an action previously taken, having a public discussion of the matter at future public meetings and then, if appropriate, voting again. This course of action is the one pursued by every DA's office throughout the state.

I hope that this information will provide more insight into how political corruption cases are handled in Orange County.

Doug Woodsmall  
Assistant District Attorney